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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,268	04/28/2005	Matti Lipsanen	856.0012.U1(US)	7347
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HARRINGTON & SMITH 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212			EXAMINER LAZARO, DAVID R	
			ART UNIT 2455	PAPER NUMBER
			MAIL DATE 05/25/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/533,268	LIPSANEN, MATTI	
	Examiner	Art Unit	
	DAVID LAZARO	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54-59, 61-66 and 69-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54-59, 61-66 and 69-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed 02/05/10.
2. Claims 54, 62, 72, 76, 80, 83 and 86 were amended.
3. Claims 1-53, 60, 67, 68 are canceled.
4. Claims 54-59, 61-66 and 69-86 are pending in this office action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 54, 61-66, 71, 72, 75, 76, 78, 79, 81-82, 84 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,314,108 by Ramasubramani et al. (Ramasubramani) in view of U.S. Patent 7,433,929 by Guilford et al. (Guilford).

7. With respect to claim 54, Ramasubramani teaches a user content delivery method comprising:

at an agent resident on a network element in a network (Col. 6 lines 43-65 - multi-network gateway),

receiving a request from a wireless terminal connected to the network (Col. 15 lines 1-21 - request from wireless communication device);

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sourcing the user content in response to receiving the request (Col. 15 lines 22-55 - pull agent sends request over the internet and receives reply);

at the agent, selecting between at least two networks over which to deliver said user content from the agent to the terminal (Col. 15 lines 32-55 - selects the appropriate airlink among a plurality of airlinks to deliver reply); and

scheduling delivery of the content from the agent to the terminal over the selected network (Col. 15 lines 32-55 - reply is sent to wireless communication device).

Ramasubramani does not explicitly teach establishing a set of user content delivery preferences relating to user content to be delivered at a future time, wherein the set of user content delivery preferences comprises a delivery cost constraint indicative of a maximum cost that a user is willing to pay to have the user content delivered; the request directed to the user content for which user content delivery preferences have been established and the selecting between at least two network being based on at least the delivery cost constraint. Guilford teaches wireless communication devices may not be limited to a single wireless network and that selection of an appropriate network can be based on several parameters (Col. 7 lines 1-24). Guilford teaches at an agent, establishing a set of user content delivery preferences relating to user content to be delivered at a future time, wherein the set of user content delivery preferences comprises a delivery cost constraint indicative of a maximum cost that a user is willing to pay to have the user content delivered (Col. 16 lines 23-34 - user profile which can include cost restraints); the request directed to the user content for which user content delivery preferences have been established (Col. 15 lines 61 - Col. 16 line 34 - request

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can be evaluated based on the established user profile) and the selection between at least two network being based on at least the delivery cost constraint (Col. 15 lines 61 - Col. 16 line 34 - network selection can be based on the cost restraints - note also Col. 7 lines 3-32 and Col. 10 lines 3-9 and 41-55). Using user delivery preferences provides for improved cost benefits for the user in servicing user requests (Col. 2 lines 17-25 and Col. 3 lines 37-43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to service the request of Ramasubramani, including network selection, using the established set of user content delivery preferences as taught by Guilford. Using the known technique of establishing and using delivery preferences, such as cost constraints, to provide for cost benefits in Ramasubramani in service user requests would have been obvious to one of ordinary skill in the art.

8. With respect to claim 61, Ramasubramani as modified teaches the user content delivery method of claim 54, further comprising reviewing user content items on a data carousel, and determining from the reviewing step if any forthcoming user content matches the user request (In Ramasubramani Col. 3 lines 1-23 and Col. 8 lines 4-19 and Col. 10 lines 4-43 - push information notifications).

9. With respect to claim 62, Ramasubramani as modified teaches the user content delivery method of claim 54, further comprising generating, at the agent, a search query to a content provider to obtain the request user content using a network, if an explicit link to the user content has not been provided (In Ramasubramani Col. 3 lines 1-23 and Col. 8 lines 20-36 - pull information requests).

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10. With respect to claim 63, Ramasubramani as modified teaches the user content delivery method of claim 54, further comprising storing in the agent at least one of information relating to the last update of user content relating to the request, information relating to the user's time and/or frequency of updating preferences, and information relating to domains to which searching relating to the user content request is limited (In Ramasubramani Col. 6 lines 9-23 and Col. 10 lines 4-43 - acknowledgement information and information notification update information).

11. With respect to claim 64, Ramasubramani as modified teaches the user content delivery method of claim 54, further comprising storing in the agent user preferences relating to plural users, and optionally sourcing an item of user content, and sending the user content to plural users, and optionally maintaining in the agent a log of which ones of the plural users have received the item of user content (In Ramasubramani Col. 3 lines 1-23 and Col. 8 lines 4-19 and Col. 10 lines 4-43 - information notifications like updated stocks may have an acknowledgement feature).

12. With respect to claim 65, Ramasubramani as modified teaches the user content delivery method of claim 64, in which the plural users each are able to define a relevance level of user content of which they require delivery (In Ramasubramani Col. 3 lines 1-23 and Col. 8 lines 4-19 and Col. 10 lines 4-43 - relevant stocks or other similar information notifications are updated per registered user).

13. With respect to claim 66, Ramasubramani as modified teaches the user content delivery method of claim 64, comprising periodically sourcing content, and using the user preferences for the plural users to determine which ones of the plural users the

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content is required by (In Ramasubramani Col. 3 lines 1-23 and Col. 8 lines 4-19 and Col. 10 lines 4-43 - updated stocks for registered subscribers is an example of periodically sourced content).

14. With respect to claim 71, Ramasubramani as modified teaches the user content delivery method of claim 54 further comprising: automating multiple user content delivery events at different times in the future in response to the request without further user interaction after receipt of the request (In Ramasubramani Col. 3 lines 1-23 and Col. 8 lines 4-19 and Col. 10 lines 4-43 - push notification is an automated feature).

15. With respect to claim 81, Ramasubramani as modified teaches the user content delivery method of claim 54, where the set of user content delivery preferences further comprises information indicative of a user content delivery latency, where the delivery latency is subject to the delivery cost constraint (In Guilford: Col. 7 lines 26-33).

16. With respect to claim 82, Ramasubramani as modified teaches the user content delivery method of claim 54, where selecting comprises requesting a delivery cost estimate for at least one of the at least two networks (In Guilford: Col. 16 lines 35-67).

17. Claims 72 and 76 are essentially the same in scope as claim 54 and are therefore rejected for the same reasons as presented in the rejection of claim 54 above.

18. Claim 75 is essentially the same in scope as claim 71 and is therefore rejected for the same reasons as presented in the rejection of claim 71 above.

19. Claims 78 and 84 are essentially the same in scope as claim 81 and are therefore rejected for the same reasons as presented in the rejection of claim 81 above.

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20. Claims 79 and 85 are essentially the same in scope as claim 82 and are therefore rejected for the same reasons as presented in the rejection of claim 82 above.

21. Claims 55-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramani in view of Guilford as applied to claim 54 above, and further in view of U.S. Patent Application Publication 2002/0198946 by Wang et al. (Wang).

22. With respect to claim 55, Ramasubramani in view of Guilford teaches the limitations of claim 54, but does not explicitly disclose maintaining a log of sourced user content relating to the request.

Wang teaches a content delivery system where a log is maintained in relation to sourced user content. The log includes an indication of delivery status for the user content (Paragraphs 81-85).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to maintain a log as disclosed by Wang in the content delivery system of Ramasubramani in view of Guilford. Using the known technique of maintaining a log of sourced user content to ensure delivery of desired user content in Ramasubramani in view of Guilford would have been obvious to one of ordinary skill in the art.

23. With respect to claim 56, Ramasubramani in view of Guilford as modified teaches the user content delivery method of claim 55, further comprising maintaining in the log an indication of the delivery status of the user content. (Wang: Paragraphs 81-85)

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24. With respect to claim 57 Ramasubramani in view of Guilford as modified teaches the user content delivery method of claim 56, further comprising acknowledging receipt of the user content over a duplex network. (Wang: Paragraphs 81-85)

25. With respect to claim 58 Ramasubramani in view of Guilford as modified teaches the user content delivery method of claim 57, further comprising updating the delivery status of the log on receiving an acknowledgement receipt. (Wang: Paragraphs 81-85)

26. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramani in view of Guilford as applied to claim 54 above, and further in view of U.S. Patent Application Publication 2002/0023092 by Tamura et al. (Tamura).

27. With respect to claim 59, Ramasubramani in view of Guilford teaches the limitations of claim 54 but does not explicitly disclose notifying over a duplex network prior to delivery of the user content over a simplex network.

Tamura teaches the use of a duplex and simplex network for delivering content to a user. This includes notifying over a duplex network prior to delivery of content over a simplex network (See abstract and paragraphs 52-53).

It would have been obvious to one of ordinary skill in the art to use the notification techniques of Tamura in the delivery system of Ramasubramani in view of Guilford. Using the known notification techniques of Tamura to provide reliability in deliver data to a user in Ramasubramani in view of Guilford would have been obvious to one of ordinary skill in the art.

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28. Claims 69, 73 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramani in view of Guilford and in further view of U.S. Patent Application Publication 2002/0120696 by Mousseau et al. (Mousseau).

29. With respect to claim 69, Ramasubramani as modified teaches the user content delivery method of claim 54 , but does not explicitly disclose reducing power consumption of the wireless terminal by scheduling the timing of the delivery of the user content to limit an amount of time the wireless terminal is connected to the selected network.

Mousseau teaches that scheduling the timing of delivery of information to a wireless terminal can reduce the power consumption of the wireless terminal in part by limiting the amount of time the terminal is connected to a network (Paragraph 114).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to schedule the timing of the delivery of user information as taught by Mousseau in the delivery of information to the user terminal of Ramasubramani as modified. Using the known technique of scheduling the timing of delivery of information to reduce the power requirements for the user terminal of Ramasubramani would have been obvious to one of ordinary skill in the art.

30. Claims 73 and 77 are essentially the same in scope as claim 69 and are therefore rejected for the same reasons as presented in the rejection of claim 69 above.

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31. Claims 70 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramani in view of Guilford and in further view of U.S. Patent Application 2003/0101150 by Agnihotri et al. (Agnihotri).

32. With respect to claim 70, Ramasubramani in view of Guilford teaches the limitations of claim 54, but does not explicitly disclose the set of user content delivery preferences further comprises a selection of at least one domain from which content is to be sourced.

Agnihotri teaches a set of user content delivery preferences which includes a selection of at least one domain from which content is to be sourced (Paragraph 32). This allows the user to identify the preferred information sources most often relied upon for information.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the user deliver preferences of Ramasubramani in view of Guilford a selection of at least one domain from which content is to be sourced. Using the known techniques for deliver preferences as taught by Agnihotri to personalize the manner of information deliver in Ramasubramani in view of Guilford would have been obvious to one of ordinary skill in the art.

33. Claim 74 is essentially the same in scope as claim 70 and is therefore rejected for the same reasons as presented in the rejection of claim 70 above.

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34. Claims 80, 83 and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramani in view of Guilford and in further view of U.S. Patent 6,959,327 by Vogl et al. (Vogl).

35. With respect to claim 83, Ramasubramani as modified teaches the user content delivery method of claim 54, but does not teach in response to being unable to select a network that meets the delivery cost constraint, notifying a user of the wireless terminal to enable the user to one of override the delivery cost constraint or maintain the delivery cost constraint.

Vogl teaches transmission requests associated with user defined constraints such as availability and pricing. If a transmission request with a specific set of constraints cannot be met, the user is notified of the rejection and is allowed to resubmit alternative criteria or continue with the original criteria. This enables the overriding of the original delivery cost constraint by the user. See Col. 20 lines 3-24.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to notify a user as taught by Vogl when the constraints defined by a user in Ramasubramani as modified cannot be met. Using the known notification technique as taught by Vogl to enable the user of Ramasubramani to get the best possible cost benefits would have been obvious to one of ordinary skill in the art.

36. Claims 80 and 86 are essentially the same in scope as claim 83 and are therefore rejected for the same reasons as presented in the rejection of claim 83 above.

Response to Arguments

37. Applicant's arguments filed 02/05/10 have been fully considered but they are not persuasive.

38. Applicant argues on pages 13-14 in the remarks - Since neither Ramasubramani nor Guilford teaches or discloses "at an agent resident on a network element, establishing a set of user content delivery preferences relating to user content to be delivered at a future time" and "at the agent, selecting, based on at least the delivery cost, between at least two networks over which to deliver said user content from the agent to the terminal," no combination of Ramasubramani and Guilford would disclose or suggest this claimed subject matter."

a. Examiner's response - In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The examiner asserts the combination of Ramasubramani and Guilford teaches the claimed subject matter.

39. Applicant argues on page 14 of the remarks - "Since Ramasubramani requires that the same airlink be used for receiving a reply to a request as is used to transmit the request, there can be no selection between at least two networks to the terminal device. Ramasubramani teaches away from the claimed invention and is not amenable to "at

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the agent, selecting, based on at least the delivery cost, between at least two networks over which to deliver said user content from the agent to the terminal."

b. Examiner's response - The examiner disagrees as there is no evidence of teaching away in either of the cited references. Ramasubramani does not state that once the target address is determined, that **only** one airlink may be used. One skilled in the art would easily recognize that the advantages of Guilford can be applied to the teachings of Ramasubramani without negative affect to the principle of operation of Ramasubramani. Once the target address and airlink is determined based on the session data, the system could easily be modified as indicated by Guilford to subsequently select a delivery network related to the target address based on the user preferences associated with the target address. Applicant's arguments are not persuasive.

40. Applicant's remaining arguments are addressed based on the responses above.

Conclusion

41. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID LAZARO whose telephone number is (571)272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Lazaro/
Primary Examiner, Art Unit 2455
May 22, 2010